

## **Criminal History Records Working Group Meeting**

Date of Meeting: June 16, 2011

Attendees: Amy Spitler, Hutchinson Municipal Court  
Randy Bowman, Juvenile Justice Authority  
Melanie Waters, Office of Judicial Administration  
Sheri Sharp, KBI – Criminal History Records Trainer  
Kyle Smith, AG's Office / KBI Attorney  
David Hutchings, KBI – Special Operations Division Special Agent in Charge  
Lisa Parrish, KBI – Identification Supervisor  
Tammy Sisk, KBI – Information Services Division Asst Manager / Criminal History Records Supervisor  
Shane Hoobler, Shawnee County Sheriff's Office  
Becky Spielman, Shawnee County Sheriff's Office  
David Dunstan, Saline County Sheriff's Office  
Arlene Frederiksen, Saline County Sheriff's Office  
James Eickhoff, Wyandotte County Sheriff's Office  
Sarah Fertig, Kansas Sentencing Commission  
Leslie Moore, KBI – Information Services Division Manager  
Steve Montgomery, KBI – Information Technology CSO

The meeting began at 1:30pm.

Introductions were made around the room.

### **Prior meeting notes**

Notes from the May meeting were approved.

### **Updates**

There were no updates to discuss from the May meeting.

### **New KADR**

Leslie Moore explained 2010 HB 2517 regarding domestic violence goes into effect on July 1, 2011. HB 2517 requires that domestic violence indicators be placed on domestic violence cases. To accomplish the changes the KADR was updated with 2 new features. There is now a column next to the charge description to mark as Y (yes) or N (no). Domestic Assessment was also added in the programs section of the form.

New forms were mailed to agencies at the beginning of June. NLETS messages went out to all law enforcement agencies to inform them of the new KADR forms and how to order the forms if they did not receive any by June 15<sup>th</sup>.

As a cost saving measure a PDF of the un-numbered KADR was placed on the KCJIS web portal for agencies to use instead of printing the forms. Randy Bowman, JJA, offered to make the PDF a "fillable" form to make it easier for agencies to use.

A question was raised if the KADR would be updated on the livescans. Leslie Moore knew that Ely Meza with the KBI had been working with the livescan vendors to update the KADR, but was unsure of the status of that project. Leslie will check with Ely.

- Status update: Ely spoke with all the livescan vendors on June 29<sup>th</sup>. All the vendors will have the new KADR activated on July 1. One vendor had it activated prior to July 1.

Leslie Moore explained that the domestic flag will also be important to the NICS checks (gun checks) because people that may have received a firearm in the past because of unclear reporting will now not be able to purchase a firearm. David Hutchings asked if the DV flag will provide all the needed information. It will not. Once it is determined that a crime was domestic violence related then the relationship to the victim is required. We also have to find out if there were children present during the occurrence. This information is found on the arrest report or offense report. When an arrest report or offense report is needed the Records Department looks in the Kansas Incident Based Reporting (KIBRS) database. If the information is not in the KIBRS database then a request goes to the arresting agency.

### **Statute File**

Leslie Moore released second version of the KBI statute file on June 15th. The file is available on the KCJIS web portal or by email if requested. The second version includes the recodification and the trailer bill changes. Leslie is currently working on the new bills from this session, but is unsure of when the next release will be. To receive an email of the statute file your email address must be sent to Leslie Moore at [leslie.moore@kbi.state.ks.us](mailto:leslie.moore@kbi.state.ks.us).

Sarah Fertig, Sentencing Commission, said their statute file is now posted on their website at <http://www.accesskansas.org/ksc>. She also suggested that people visit the Revisor's Office website at <http://ksrevisor.org> for a spread sheet showing the prior law to the new law. There is also a "fake statute book" available to purchase from the Sedgwick County District Attorney's Office for \$15.

Sheri Sharp asked for advice on how to handle agencies that are using the city/municipal violation statutes. She is seeing arrests and summons come in using these statutes instead of the correct state statute. This is causing many problems.

- City/municipal violations do not reflect the actual crime
  - The crime does not get reported to the federal record unless the correct statute is used.
- People reading a criminal history record do not know what crime was committed
  - Extra research needed for presentence investigations
  - Non-criminal justice users don't understand the crime so they call to find out what crime was committed.
    - These calls are referred back to the originating agency

It was suggested that the city/municipal violation statutes be moved from 00-xxxx to 99-xxxx so they do not appear at the top of the pick lists. Another suggestion was to remove the city/municipal violations from the livescan version the statute file to force those agencies to find the correct statute. These suggestions will need to be taken to the statute file committee for review.

### **Fingerprinting for warrants**

Sheri Sharp asked for advice on how to get the word out on fingerprinting for warrants. There was a long discussion on FTA warrants. In the end it was decided that Sheri needs to resolve this issue with training.

## **Training**

The KBI now has the ability to do video conferencing with other KBI offices. The other KBI offices are in Kansas City, Pittsburg, Wichita and Great Bend. We hope that this will allow the Field Support Unit to provide additional training around the state without them leaving the office.

Current training materials will be placed on the KCJIS web portal for users to download anytime along with contact information if they have any questions.

Sheri Sharp places articles in the KCJIS Newsletter when she realized there is an issue with specific reporting problems. Amy Spitler said she can pass those articles on to the Municipal Court newsletter if they pertain to the court clerks.

**The next Meeting will be July 14<sup>th</sup> at 1:30pm at the KBI Annex Training Room.**

Please email Leslie Moore at [leslie.moore@kbi.state.ks.us](mailto:leslie.moore@kbi.state.ks.us) to suggest agenda items or possible solutions for items already discussed for the next meeting. Send the email no later than 5pm on July 11<sup>th</sup>.

The meeting adjourned at 2:45pm.